DOCUMENT RESUME

ED 145 530 EA 009 995

TITLE	Affirmative Action Plan of the New Jersey State Department of Education.
INSTITUTION	New Jersey State Dept. of Education, Trenton.
PUB DATE	Dec 76
NOTE	23p.; Prepared by the Affirmative Action Committee
EDRS PRICE	MF-$0.83 HC-$1.67 Plus Postage.
DESCRIPTORS	*Affirmative Action; Civil Rights Legislation; Elementary Secondary Education; *Employment Practices; *Equal Opportunities (Jobs); Personnel Directors; *Personnel Policy; Racial Discrimination; School Districts; Sex Discrimination; *State Departments of Education
IDENTIFIERS	*New Jersey

ABSTRACT

This booklet outlines the New Jersey State Department of Education's affirmative action plan to achieve equal opportunity for all employees and applicants for employment in the State Department of Education. The plan calls for compliance with federal and state legislation regulating employment practices and requiring fairness and equity in hiring, promotion, demotion, transfer, recruitment, termination, pay rates, benefits, and selection for training or academic leave. Under the plan, the commissioner of education is responsible for guaranteeing affirmative action compliance within not only the state department, but in all other educational agencies receiving resources from the state, including local school districts. The plan provides for state department personnel, including an affirmative action officer, coordinator, and advisory committee, to oversee its implementation. (Author/DS)

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AFFIRMATIVE ACTION PLAN

OF THE

NEW JERSEY

STATE DEPARTMENT OF EDUCATION

Prepared by:

Affirmative Action Committee

NEW JERSEY STATE DEPARTMENT OF EDUCATION

Fred G. Burke, Commissioner

Ralph H. Lataille, Deputy Commissioner

Nida E. Thomas, Affirmative Action Officer
and Title IX Coordinator

December 1976

EA 009 995

STATE OF NEW JERSEY
DEPARTMENT OF EDUCATION
225 WEST STATE STREET
TRENTON, N.J.

OFFICE OF THE COMMISSIONER

June 30, 1976

The Education Department has developed an Affirmative Action policy which prohibits discrimination on the basis of race, sex, color, creed, religion, ancestry, natural origin, or social or economic status in any of the programs or activities under the jurisdiction of the Department. It is the responsibility of all Bureaus and personnel, supervisory and non-supervisory, to implement this policy.

To insure consistent endeavor and progress toward the goal of equal employment opportunity an Affirmative Action Officer has been designated, who under the supervision of the Deputy Commissioner of Education, will have the responsibility of monitoring activities related to the implementation of State Law Title VI (Equality in Educational Programs) and Federal Title IX.

The Affirmative Action Plan of the Department outlines goals and methods of their attainment and the responsibilities of the local school district in implementing the State Title VI regulations.

The Plan and the Title VI regulations are available to interested persons upon request. The essential features of the Plan will be published in the Department newsletter, INTERACT, which is distributed to employees.

Requests may be made directly to Nida E. Thomas, Director/ Affirmative Action Officer, Office of Equal Educational Opportunity, New Jersey State Department of Education, 225 West State Street, Trenton, New Jersey 08625.

As Commissioner of Education, it is my responsibility for guaranteeing affirmative action compliance not only within the Department of Education, but also in all other educational agencies receiving resources from the State, including EIC Centers, County Superintendents' Offices and local school districts. This Affirmative Action Plan, as implemented, will assist the Department in meeting its responsibilities for providing equal educational opportunity for students and equal employment opportunities for employees.

Fred G. Burke

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INTRODUCTION

It is the intent of the New Jersey State Department of Education to pursue policies of non-discrimination and equal employment opportunity in all of its divisions, programs, and activities. To this end, the Department will take affirmative action to insure that all applicants receive fair consideration for employment, and that employees are treated fairly during employment. Such affirmative action will apply, but not be limited to appointment, employment, up-grading, demotion, transfer, recruitment advertising, lay-off, bumping, termination, rates of pay and fringe benefits or other forms of compensation, and selection for training or academic leave within certain job classifications. In addition, procedures will be established so that the effects of the Department's actions upon citizens, local educational authorities, schools, and other organizations, will not be discriminatory.

This affirmative action plan represents the authorized effort of the Department of Education to enlarge and direct the equal employment opportunity program within the department. Its overall purpose is to provide a framework for insuring the development implementation and continuity of an effective equal employment opportunity program.

It should be realized too that this plan is not the final effort and that it will be up-dated annually by the Affirmative Action Coordinator. The pursuit of positive results will be continuous for it is legally required by:

1. Title VII of the Civil Rights Act of 1964, as amended by the Employment Opportunity Act of 1972,

2. Federal Executive Order 11246 as amended,
3. Equal Pay Act of 1963 as amended,
4. Title IV of the Education Amendments of 1972,
5. New Jersey State Board of Education Resolution 1975 (N.J.S.A. 18A: 36-20) Chapter 4,
6. State Executive Order 14

AFFIRMATIVE ACTION STATEMENT

The Commissioner of Education hereby establishes an affirmative action program to achieve equal employment opportunity for all employees and applicants for employment in the State Department of Education.

It is the policy of the New Jersey State Department of Education to seek and employ qualified personnel in all of its offices and facilities, to provide equal opportunities for the advancement of employees including up-grading, promotion, and training and to administer these activities in a manner which will not discriminate against any person because of race, color, religion, national origin, ancestry, age, political affiliation, sex, armed forces liability or physical handicap. This policy of equal opportunity applies to every aspect of personnel policy and practice.

In the main, these ends are a reiteration of the practices of fairness and equity which have characterized departmental policies.

Affirmative action in terms of equal opportunity means that all segments of our society have an opportunity to enter State service on the basis of open competition and advance according to relative ability without discrimination.

The purpose of this plan is to insure that the principles of affirmative action and equal opportunity are employed in the Department of Education in all phases of personnel policy and practice and that demonstrable statistics will verify the practical application of the principles of equality by September, 1975.

In order to accomplish this purpose, the cooperation of all members of the staff is mandatory. Adherence to this plan will not affect any employee in an adverse manner.

If the objective of the plan is to be accomplished, certain goals related to existing personnel activities will have to be established and responsibilities for the attainment of these goals fixed. Division Heads in coordination with the Affirmative Action Coordinator will be responsible for the implementation of the plan.

Departmental goals are as follows:

Each Division will employ qualified women and minority groups in numbers proportionate to their presence in the population in the relevant surrounding Labor Market Area, in a fashion that does not cluster minorities. Classified employees will be selected from Civil Service eligible lists as vacancies occur and qualified applicants are available. Unclassified employees will be selected on the basis of education, experience, and skills required for the vacant position and notices pursuant to such vacancies will be given wide-distribution. The hiring of minorities and women will continue until their numbers are proportionate to their presence in the population in the relevant surrounding Labor Market Area.

The Affirmative Action Coordinator, with the assistance of the Director of Personnel, will review all job specifications and job vacancies annually or as they occur to insure that all requirements are job-related and do not contain discriminatory restrictions. This will be an on-going activity that is to begin immediately and supplements the review procedure presently in effect by the Department of Civil Service and the Department of Education.

All promotions for classified employees will be subject to current Civil Service regulations including examinations. All eligibles are considered for appointment. This practice is to continue.

The basis for recommendations for promotions of unclassified employees are the individual's record of performance on the job, experience, and educational criteria required for the higher title. Unclassified promotional opportunities are advertised Department-wide so as to permit all qualified employees to apply. A qualified applicant is recommended for appointment. This action will be monitored by the Affirmative Action Committee effective immediately.

Training opportunities will be made available to all employees. Division Heads will request training funds during the annual budget cycle. Amounts requested will be based on anticipated workload and the needs developed as a result of individual annual evaluations (EPEIS). The budget request will include the number and type of courses required and the number of personnel who will attend each course. If the requested funds are reduced during the budget process, priority for use of the reduced funds will be determined by organizational and individual needs. This will be an on-going activity.

The Affirmative Action Coordinator, with the assistance of the

Director of Personnel in coordination with the Department of Civil Service, will be responsible for an annual statistical evaluation of this plan and for recommendations for corrective action if indicated. This will be accomplished annually during the last week of the fiscal year.

An amended statement with revised goals will be developed and disseminated by July 31, 1976 if so required.

RESPONSIBILITY FOR THE PLAN

The Commissioner of Education is responsible for guaranteeing affirmative action compliance not only within the Department of Education but also in all other educational agencies receiving resources from the state, including EIC Centers, County Superintendents' Offices and local school districts. The responsibility for monitoring compliance and developing any additional necessary regulations belongs to the Commissioner.

THE DEPARTMENT

Below the level of the Commissioner, the responsibility for making the plan work is shared among the heads of various divisions, the personnel office and the Department's Affirmative Action Officer and Coordinator.

The Department shall be required to:

1. Ask present personnel to help in identifying problems and in securing applications for positions from women and members of minority groups.
2. Endorse and support programs, training, and experiences to prepare women and minority group members for employment and promotional opportunities within the Department.

3. Pass affirmative action information on to all professional and non-professional staff. With help from the personnel office and Affirmative Action Officer, the Department shall:

   A. Set significant, but realistic, goals for employment, with annual target timetables. This action will commence on April 1, 1976.

   B. Continue to review job requirements to ensure that qualifications are valid and non-discriminatory.

   C. Discourage the utilization of informal job recruitment techniques to ensure a comprehensive and fair employee selection process and continue Department-wide and other posting of unclassified vacancies.

THE DIRECTOR OF PERSONNEL

The affirmative action responsibilities of the Department's personnel office are to:

1. Collect and maintain information on possible problem areas as designated by the Director of Affirmative Action.
2. Assist the Commissioner in setting the goals and timetables, evaluating the program, and designing and implementing hiring plans.

AFFIRMATIVE ACTION OFFICER

The Director of the Office of Equal Educational Opportunity will serve as the Affirmative Action Officer and Title IX liaison, who will work under the direction of the Deputy Commissioner of Education, will administer the Department's affirmative action program. The Affirmative Action Officer will coordinate the activities of the Department as related to Title IX compliance.

In addition, the Affirmative Action Officer will have the responsibility for overseeing compliance with Title IX amendments and Title VI, N.J.S.A. 18A: 36-20.

THE AFFIRMATIVE ACTION COORDINATOR

The Department's Affirmative Action Coordinator, who will work under the direction of the Department's Affirmative Action Officer, will administer the Department's affirmative action program, related to the implementation of N.J.S.A. 18A: 36-20. The duties of the Affirmative Action Coordinator are to:

1. Develop and disseminate policy statements and internal procedures for administration of the plan.
2. Serve as liaison between the Department and external enforcement agencies, minority organizations, women's organizations, and community action groups concerned with employment opportunities of minorities and women.
3. Design procedures for internal monitoring the Department's and the Local Education Agencies' recruitment, hiring, promotion, personnel policies, and training programs for compliance with established affirmative action policies.
4. Process all Departmental complaints of discrimination.
5. Counsel Departmental employees on the affirmative action plan.
6. Develop and monitor the affirmative action procedures for the Department.
7. Assist the Commissioner in setting goals and timetables, evaluating the Department's Affirmative Action program.

THE AFFIRMATIVE ACTION ADVISORY COMMITTEE

The Commissioner shall appoint a Department-wide Affirmative Action

Advisory Committee by September, 1975.

The Committee shall include women and minority group members. Appointments to the Committee shall be made for one-year and two-year terms beginning September, 1975. Not more than half the members of the Committee shall be appointed to one-year terms. As of September, 1975, appointments shall be for two-year terms. Committee members shall serve at the discretion of the Commissioner.

The Department's designated Affirmative Action Coordinator shall serve as chairperson of the Affirmative Action Committee. The Committee shall meet on a regular basis and at least once each quarter. At least once annually, the full Committee shall meet with the Commissioner to report on the program's progress.

The Advisory Committee's main duty shall be to advise the Commissioner on all matters pertaining to Affirmative Action. Committee members will solicit, receive, and bring to the attention of the full Committee, any comments or complaints about how the program is working.

OBJECTIVES

Operational Objectives

A. The Department of Education Affirmative Action Coordinator will develop and plan a process by which the State mandate for Affirmative Action will be implemented.

1. Internal

- The Affirmative Action Coordinator will conduct a survey of personnel data and make an analysis of the same, and recommend corrective action as appropriate.

- The Affirmative Action Coordinator will establish a communi-

cations link between divisions, branches, and bureaus within the Department of Education and the Office of Equal Educational Opportunity, to achieve affirmative action within the Department.

- The Affirmative Action Coordinator will establish a process of disseminating to all Departmental members reports, laws, and all other information as they relate to Affirmative Action.

- The Affirmative Action Coordinator will offer technical assistance to the Director of Personnel and have input on job specifications as it relates to affirmative action and equal opportunity.

- The Affirmative Action Coordinator will investigate complaints that arise from claims of discrimination that are not covered by contracts, statutes, or provisions of the administrative code.

- The Affirmative Action Coordinator will assist in the recruitment process, especially with regard to minorities and women. In addition, a staff orientation process will be developed to adequately inform staff of their rights and responsibilities with regard to equal educational opportunities.

- The Affirmative Action Coordinator will develop a training

process for* division heads or designated Affirmative Action representatives. This process will be instituted to insure that Affirmative Action representatives are working to achieve the affirmative action goals of this Department and all its branches.

2. External

- The Affirmative Action Coordinator will provide technical assistance to local education agencies as it relates to the formulation of Affirmative Action plans and the implementation of Affirmative Action plans.

- The Affirmative Action Coordinator will review local education agencies Affirmative Action plans and make recommendations to the Commissioner of Education regarding acceptance or rejection.

- The Affirmative Action Coordinator will make the notification as to the acceptance or rejection of local education agencies Affirmative Action plans. The Affirmative Action Coordinator will provide technical assistance in the redevelopment of rejected plans.

- The Affirmative Action Coordinator will monitor local education agencies to insure district compliance with 18A: 36-20 N.J.S.A. and Federal regulations.

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*Departmental Affirmative Action Officers-one individual from each division in the Department of Education is responsible for affirmative action in that division.

- The Affirmative Action Coordinator will develop reports on the compliance of local education agencies with 18A: 36-20 N.J.S.A. and Federal regulations. The reports on the compliance of districts will include recommendations to the Commissioner.

B. Recycle of Process

C. Implementation

The Department of Education Affirmative Action Coordinator will develop in the internal staff, the capability to:

- Provide supporting services to local education agencies in implementing N.J.S.A. 18A: 36-20 and Federal regulations.
- Provide on-going information regarding the law and implementation strategies.
- Interpret Department of Education policies as they relate to staff function in the field.
- Systematically plan, develop, and review Affirmative Action strategies.

D. The Affirmative Action Coordinator will maintain a reporting system designed to facilitate auditing of program effectiveness as follows:

- The Affirmative Action Coordinator will determine where progress has been made and identify where further action is needed.

- The Affirmative Action Coordinator will insure the utilization of a mechanism for data gathering.

- The Affirmative Action Coordinator will analyze and report data collected.

- The Affirmative Action Coordinator will submit recommendations to the Commissioner of Education.

PROGRAM

A. Survey and analyze minority and female employment by department and job classification.

1. A survey will be conducted internally to determine the number and percentage of minorities and females in the department. The analysis of the survey will offer insight into the level of employment of minorities and women: show areas of underutilization, underpayment, and/or concentration, and recommend to the Commissioner remedial or corrective action as appropriate.

2. A review of Affirmative Action plans submitted by local education agencies will offer insight into district hiring and recruiting practices. Determination can then be made as to the areas where the Department of Education can offer assistance to LEAs.

B. Develop Goals and Timetables.....To comply with Affirmative Action law internally and externally will require the setting of measurable goals and reasonable timetables for the achievement of those goals. The survey of present employment levels and the analysis of underutilization and concentration by job category

will provide the basic data for formulating goals and timetables.

LONG-RANGE GOALS

1. Within two years of the adoption of this plan, area surveyed above, corrective or remedial action will be implemented.

2. Within two years of the adoption of this plan, all potentially discriminatory requirements will have been removed from job descriptions.

3. Within three years of the adoption of this plan, a training program will be established to improve skills and encourage upward mobility in accordance with the Executive Order No. 14.

INTERMEDIATE GOALS

1. A survey of present employment levels will be undertaken immediately to determine areas requiring affirmative action and immediately put into motion appropriate corrective measures.

2. Pertinent information will be disseminated to Department employees as required.

3. The Department of Education will reset annual goal targets for hiring/upgrading of minorities and women. Goals will depend upon anticipated turnover, expansion, availability of persons with required skills, and a realistic appraisal of the extent of skill necessary for particular jobs.

4. Managers of each organizational unit with the Affirmative

Action Coordinator will take part in setting annual goals for hiring and will be held responsible for reaching them.

5. Each school district will submit to the Commissioner of Education or designee a copy of its Resolution of Equal Educational Opportunity and the name of its Affirmative Action Officer within sixty (60) days of the effective date of the regulations.

6. Each school district shall, within 120 days of the effective date of the regulations, submit its proposed program or plan of Affirmative Action for School and Classroom Practices to the Commissioner of Education.

7. Each school district shall, within 180 days of the effective date of these regulations, submit its proposed program or plan of Affirmative Action for Employment/Contract Practices to the Commissioner of Education.

8. The Commissioner or the Affirmative Action Coordinator shall review the programs or plans, approve or reject said plans and shall notify the school system of his decision within sixty (60) days of the receipt of the plans.

9. If district plans are in any way unacceptable, the Commissioner shall designate a person or persons to work with the school district to develop an acceptable plan which must be completed and approved within sixty (60) days of the receipt of the notice that the original plan was unacceptable.

10. School district Affirmative Action Plans must be initiated within a time period not to exceed 120 days from the time of its approval and must be fully implemented in accordance with an approved timetable.

C. On-going Procedures to Eliminate Discriminatory Barriers and Achieve Goals.

1. A reviewing of recruiting/upgrading procedures in each job category will be made to identify and eliminate discriminatory barriers.

2. Objective measures will be established to analyze and monitor the recruitment process of the Department of Education.

3. Identify and give technical assistance to persons involved in the employment process to support affirmative action goals.

4. Affirmative Action programs will focus on recruiting for and classifying positions when appropriate as a result of surveys.

5. The Affirmative Action Advisory Committee will assist the personnel office in the recruitment process and will provide current lists of non-traditional recruitment sources which can be used to attract or obtain females and minorities.

D. Auditing and Reporting System to Monitor and Evaluate the Progress of the Program.

An internal reporting system to continually audit, monitor, and evaluate progress is essential for a successful Affirmative Action

Program. Designing and implementing this system is a key responsibility of the Affirmative Action Coordinator and personnel office. The basic data required for auditing and reporting are the survey of present employment, the selection process, and information for upward mobility. Such reports will be maintained on a current basis in each department. These reports will be reviewed, by the Affirmative Action Coordinator, to determine progress made and where improvement is needed. In addition, reports and recommendations for improvements will be discussed with division heads on a quarterly basis in order to meet annual goals. Reports will be submitted to the Commissioner of Education on a semi-annual basis.

Departmental reports shall include:

1. New hires by title, unit, race, gender, annual salary, and job status (temporary, provisional, or permanent),
2. Promotions by job titles, unit, race, gender, annual salary, and job examination list or 4:1-8.5 appointments.
3. Demotions for any reason,
4. Terminations by resignation, lay-off, and removal for cause,
5. Transfers,
6. Comments concerning program progress.

APPENDIX A

STATE OF NEW JERSEY

Department of Education

State Board of Education

EQUALITY IN EDUCATIONAL PROGRAMS

6:4-1.1 Purposes and Objectives

The New Jersey Constitution and implementing legistation guarantee each child in the public schools equal educational opportunity regardless of race, color, creed, religion, sex, ancestry, national origin, or social or economic status. To assure these basic rights the Commissioner of Education and the State Board of Education have developed these regulations which specifically implement N.J.S.A. 18A: 36-20 and the State Board of Education Resolution concerning sex equality in educational programs. These regulations have also been developed in conformity with relevant Federal and State statutes concerning discriminatory conduct.

6:4-1.2 Definitions

(a) "Discriminatory practices" shall mean an action or failure to act based upon race, color, creed, religion, sex, ancestry, national origin, or social or economic status.

(b) "Educational activities and programs" shall mean all activities and programs conducted or sponsored by the school either during the school day or after regular school hours.

(c) "School" shall mean every public elementary or secondary school, every regional school, every county vocational school, or any other public institution providing special or general educational services to students from grades K through 12.

6:4-1.3 Policy Development

(a) Each local school district shall develop a policy of equal educational opportunity to be adopted as a resolution by the Board of Education The school dsitrict shall inform the community it serves of this resolution by publicizing it in an adequate manner, including but not limited to the districts's customary methods of information dissemination.

(b) Each local school district shall develop two affirmative action programs or plans, which shall include time-tables for corrective action to overcome the effects of any previous patterns of discrimination which may exist and a systematic internal monitoring procedure to ensure continuing compliance.

1. One such program or plan shall include, but need not be limited to, action as required by Section 5, School and Classroom Practices, of this Subchapter.

2. Another program or plan shall include, but need not be limited to, action as required by Section 6, Employment/ Contract Practices, of this Subchapter.

3. The programs or plans shall be made available for review to all interested parties.

(c) Each local school district shall designate a member of its professional staff as the affirmative action officer to coordinate and implement the district's efforts to comply. The progress of the district in complying shall be reported by the Superintendent to the Board of Education as it shall require.

(d) As part of its affirmative action programs or plans, each local school district shall arrange for or provide in-service training for school personnel on a continuing basis to identify and resolve problems arising from prejudice on the basis of race, color, creed, religion, sex, ancestry, national origin, or social or economic status.

(e) Each Board of Education shall adopt and approve courses of study, instructional materials, and programs designed to eliminate discrimination and promote understanding and mutual respect between children of different races, colors, creeds, religions, sexes, ancestries, national origins, or social or economic status. Community involvement in this process shall be encouraged.

(f) The local school district shall evaluate courses of study and instructional materials already in use to determine whether they are designed to achieve the objectives set forth in (e) and shall supplement them as necessary where they are not so designed. As the use of such courses and materials is discontinued in the normal course of events, the local school district shall replace them with courses and instructional materials designed to meet the objectives set forth in (e).

6:4-1.4 Technical Assistance

The Commissioner or designee shall provide technical assistance to local school districts for the development of policy guidelines, procedures, and in-service training for school personnel so as to aid in the elimination of prejudice on the basis of race, creed, color, religion, sex, ancestry, or social or economic status.

6:4-1.5 School and Classroom Practices

(a) No student shall be denied access to or benefit from any educational program or activity solely on the basis of race, color, creed, religion, sex, ancestry, national origin, or social or economic status.

(b) There shall be no differential requirements for completion of course offerings or courses of study solely on the basis of race, color, creed, religion, sex, ancestry, national origin, or social or economic status.

(c) There shall be no discrimination against students because of pregnancy, childbirth, pregnancy-related disabilities actual or potential parenthood, or family or marital status. A student shall not be excluded from any educational program or activity because of pregnancy or related conditions unless she so requests or a physician certifies that such exclusion is necessary for her physical, mental, or emotional well-being. If she is excluded for these reasons, she must be provided with adequate and timely opportunity for instruction to continue or make up her schoolwork without prejudice or penalty.

(d) Public school students shall not be segregated on the basis of race, color, creed, religion, sex, ancestry, national origin, or social or economic status.

(e) No course offering, including but not limited to physical education, health, industrial arts, business, vocational or technical courses, home economics, music, and adult education, shall be limited on the basis of race, color, creed, religion, sex, ancestry, national origin, or social or economic status.

(f) The athletic program, including but not limited to intramural, extramural, and inter-scholastic sports shall be available on an equal basis to all students regardless of race, color, creed, religion, sex, ancestry, national origin, or social or economic status. The athletic program as a whole shall be planned to insure that there are sufficient activities so that the program does not deny the participation of large numbers of students of either sex.

1. The activities comprising such athletic program shall receive equitable treatment, including but not limited to staff salaries, purchase and maintenance or equipment, quality and availability of facilities, scheduling of practice and game time, length of season and all other related areas or matters.

2. A school may choose to operate separate teams for the two sexes in one or more sports and/or single teams open competitively to members of both sexes, so long as the athletic program as a whole provides equal opportunities for students of both sexes to participate in sports at comparable levels of difficulty and competency.

(g) School personnel shall not use tests, procedures or other guidance and counselling materials which are differentiated or stereotyped on the basis of race, color, creed, religion, sex, ancestry, national origin, or social or economic status.

When informing students about possible career, professional and/or vocational opportunities, school personnel shall in no way restrict or limit the options presented to students on the basis of race, color, creed, religion, sex, ancestry, national origin, or social or economic status.

6:4-1.6 Employment/Contract Practices

(a) All persons regardless of race, color, creed, religion, sex, or national origin shall have equal access to all categories of employment in the public educational system of New Jersey.

(b) All New Jersey public school districts shall comply with all State and Federal laws related to equal employment, including but not limited to the New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 *et seq*), Title VII of the Civil Rights Act of 1964, as amended by the Equal Employment Opportunity Act of 1972, Executive Order 11246 as amended, Equal Pay Act of 1963 as amended, and Title IX of the Education Amendments of 1972 (Higher Education Act).

(c) No school district shall enter into any contract with a person, agency, or organization if it has knowledge that such person, agency, or organization discriminates on the basis of race, color, creed, religion, sex, ancestry, national origin, or social or economic status, either in employment practices or in the provision of benefits or services to students or employees.

6:4-1.7 Compliance

(a) Each school district shall submit to the Commissioner of Education or designee a copy of its Resolution of Equal Educational Opportunity (See Section 3 (a) of this Chapter) and the name of its affirmative action officer (See Section 3 (c) of this Chapter) within 60 days of the effective date of these regulations.

(b) Each school district shall, within 120 days of the effective date of these regulations, submit its proposed program or plan of affirmative action for School and Classroom Practices (See Section 3 (b) of this Chapter).

(c) Each school district shall, within 180 days of the effective date of these regulations, submit its proposed program or plan of affirmative action for Employment/Contract Practices (See Section 3 (b) of this Chapter).

(d) The Commissioner or designee shall review the programs or plans, approve or reject said plans and shall notify the school system of his decision within 60 days of receipt of the plans.

(e) If the plan is in any way unacceptable, the Commissioner shall designate a person or persons to work with the school district to develop an acceptable plan, which must be completed and approved within 60 days of the receipt of the notice that the original plan was unacceptable.

(f) The plan must be initiated within a time period not to exceed 120 days from the time of its approval and must be fully implemented in accord with an approved time-table.

(g) If within one year of the effective date of the affirmative action plan a school district is still found not to be in compliance with these regulations or its plan was not implemented, the Commissioner may initiate, with the approval of the State Board of Education, action to suspend, terminate or refuse to award continued Federal or State financial assistance. The Commissioner may also make referral to any appropriate judicial and/or administrative Federal, State or local agencies.

6:4-1.8 State Review and Evaluation

(a) At least once every three years the Commissioner or designee shall review and evaluate the progress of each school district in implementing its affirmative action plan. If sufficient appropriations exist, the Commissioner may utilize the services of qualified independent consultants to effectuate the the review and evaluation. The Commissioner shall provide each local school district with a copy of such analysis.

(b) The Board of Education of each local school district shall make available to the community a summary of the review and evaluation in accordance with the procedures adopted pursuant to N.J.A.C. 6:4-1.2 (a).

(c) Any and all inadequacies in the program plan as revealed in the review and evaluation shall be corrected as soon as is practicable, but in no case shall correction of the plan be delayed more than 60 days from receipt of notice of inadequacy or noncompliance. If such inadequacy is not corrected in the specified time, it shall result in the procedure described in 6:4-1.7 (g).

6:4-1.9 Appeals

In accordance with N.J.S.A. 18A: 6-9, any individual may petition the Commissioner of Education to resolve a dispute arising under these regulations pursuant to procedures set forth in N.J.A.C. 6:24-1.1 *et seq*.

6:4-1.10 Effect of Related Statutes

The obligation to comply with these regulations is not obviated or alleviated by any State or local law or rule or regulation of any organization, club, athletic or other league or association which would limit the eligibility or participation of any student on the basis of race, color, creed, religion, sex, ancestry, national origin, or social or economic status.

An order adopting these rules was filed and effective May 20, 1975, as R. 1975 d, 137.

This notice is published as a matter of public information.

For further information, contact Mrs. Nida E. Thomas, Director, Office of Equal Educational Opportunity, State Department of Education, 225 West State Street, Trenton, N.J. 08625. (Phone 609-292-5922)